

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MARCH 7, 2006- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:49 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(06-106) Mayor Johnson announced that consideration of change order for first floor ceiling treatment [paragraph no. 06-109] would be addressed with the Library Project update [paragraph no. 06-108].

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-107) Presentation of Abbott Diabetes Care.

Art Autorino, Abbott Diabetes Care Divisional Vice President of Operations, provided a brief presentation.

Mayor Johnson stated that Abbott Diabetes Care products are very helpful; diabetes testing can be very painful.

Mr. Autorino stated that technology has improved; current testing is painless.

Mayor Johnson stated people are doing a better job in monitoring blood sugar levels.

Councilmember deHaan inquired whether Abbott was researching non-intrusive testing.

Mr. Autorino responded in the negative; stated the long-term hope is to have a product that measures the glucose level and communicates the correct dosage through an insulin pump.

Mayor Johnson stated the community is glad to have Abbott Diabetes Care in Alameda; thanked the Development Services Department for working closely with Abbott Diabetes Care.

Councilmember deHaan stated the Development Services Department became a model working to retaining business.

Mr. Autorino stated the City, County, and State were very helpful.

Mayor Johnson stated that Advanced Cell Technologies is a new company at the Business Park.

(06-108) Library Project update.

The Project Manager provided a brief presentation.

REGULAR AGENDA ITEM

(06-109) Consideration of change order for first floor ceiling treatment for the New Main Library Project.

Mayor Johnson stated that putting items back into the project is good; the wood ceiling would make the New Main Library more beautiful.

Councilmember Matarrese stated the change order is a good way to spend the additional money; the risk goes down as the project nears completion; now is the time to invest the money back into the project.

Vice Mayor Gilmore inquired whether there is a difference between the durability of the cherry wood ceiling and the acoustical tiles and whether the Library Building Team or Project Manager had a top priority add-back.

The Project Manager responded the ceiling change order is the only choice; stated the architect asserts to the durability of the cherry wood ceiling in his letter; acoustical tiles cannot be cleaned; a wood ceiling can be cleaned.

Councilmember Matarrese inquired whether there is a number two add-back that the money should be spent on.

The Project Manager responded other value engineering items cannot be added back due to scheduling restraints; small items could be put back.

Councilmember Matarrese requested that a value-engineering list be provided to the Council in an Off Agenda Report.

Councilmember Daysog stated the New Main Library is for all of Alameda; the Council should move forward if the change order improves the beauty of the Library; inquired whether the interest earned on Measure O funds would be used, to which the Project Manager responded in the affirmative.

Councilmember Daysog inquired whether redevelopment money could be used instead; stated the interest earned on Measure O funds could be used for branch libraries; redevelopment money can only be used in redevelopment areas.

The Project Manager responded Council approved the contingency funding on December 21, 2004; the order of funding was Measure O interest, branch library funding, and then redevelopment.

Councilmember Matarrese inquired whether branch library funding would be guaranteed if redevelopment money were used for the add-back.

Councilmember Daysog stated the best approach would be to move forward with the change order and leave flexibility for staff to iron out the details.

Vice Mayor Gilmore stated that she understood that the \$670,000 line item was earmarked for branch library upgrades; the concept was to dip into the branch library funding if the New Main Library ran over budget.

The Project Manager stated \$2 million was allocated for branch library funding.

Mayor Johnson inquired whether branch library funds would be used if the New Main Library ran over budget or whether alternate sources would be used.

The Project Manager responded branch library funds would be used if the New Main Library runs over the \$375,000 [Measure O interest]; stated the final funding source would be redevelopment funds.

Mayor Johnson stated the Council could move forward with the change order and address the financing issue at a later point.

Councilmember deHaan stated that only going \$200,000 over on a \$20 million project is incredible.

Councilmember deHaan moved approval of the change order.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Daysog stated money should be saved for the branch libraries; Alameda can have a great Main Library and great branch libraries.

The Project Manager stated he is lobbying to use the \$2 million

[for branch libraries] as another local match for a future bond measure; the Statewide Library Bond Measure would provide a significant amount of funding if the Measure passes in June 2006; the Office of Library Construction looks very favorably on Alameda because of the current project.

Councilmember Daysog inquired whether the \$2 million was additional Measure O dollars, to which the Project Manager responded in the affirmative.

Mayor Johnson inquired whether using the funds as a local match for the Bond Measure would come back to Council, to which the Project Manager responded in the affirmative.

On the call for the question, the motioned carried by unanimous voice vote - 5.

CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*06-110) Minutes of the Special and Regular City Council Meetings held on February 21, 2006; the Special Joint City Council and Public Utilities Board Meeting held on February 27, 2006; and the Special City Council Meeting held on March 1, 2006. Approved.

(*06-111) Ratified bills in the amount of \$6,255,021.50.

(*06-112) Recommendation to appropriate \$170,000 in Urban Runoff Funds and authorize the City Manager to negotiate and execute a Contract with Regency Centers for repair to public drainage facilities in coordination with construction of the Bridgeside Shopping Center improvements. Accepted.

(*06-113) Recommendation to accept the work of Ghilotti Brothers, Inc. for Park Street Streetscape and Towne Center Project, No. P.W. 10-02-13. Accepted.

(*06-114) Recommendation to accept the Quarterly Sales Tax Report for the period ending December 31, 2005. Accepted.

(*06-115) Recommendation to accept the Quarterly Investment Report

for the period ending December 31, 2005. Accepted.

(*06-116) Resolution No. 13929, "Ordering Vacation of a Portion of a 25-Foot Wide Public Utility Easement Within Tract 1866, Filed Map Book 38, at Page 50 to 54, Alameda County Official Records; Vacation of Two 10-Foot Power Easements, Filed RE: 191, Image 107 #79-196972 O.R., Alameda County Official Records and Acceptance of New 25-Foot Wide Public Utility Easement (Towne Centre)." Adopted.

(*06-117) Resolution No. 13930, "Granting Another Designated Period for Two Years Additional Service Credit as Provided for Under Contract Amendment between the City and the Public Employees' Retirement System, and California Government Code Section 20903." Adopted.

REGULAR AGENDA ITEMS

(06-118) Resolution No. 13931, "Appointing Marilyn Ezzy Ashcraft as a Member of the Planning Board." Adopted.

Councilmember Matarrese moved adoption of the Resolution.

Councilmember deHaan stated many people apply for various commissions and boards; he is concerned about an individual being appointed to a board or commission and then be appointed to a different board or commission within six months; he does not feel the practice is appropriate; stated he would abstain from voting on the matter.

Mayor Johnson stated that many people serve on more than one board or commission; she would not appoint an individual to more than one board or commission; many people have an interest to serve; she advises people that it is acceptable to apply for a preferred board or commission if an opening becomes available shortly after beginning to serve on their current appointment; serving more than eight years or serving a three-year term and then two four-year terms is not appropriate; she does not believe this nomination is inappropriate because the individual has been on the Economic Development Commission for a short period of time and a board position came up that was of more interest; stated the nomination is not contrary to Councilmember deHaan's comments.

Councilmember deHaan stated the Planning Board had an opening approximately four or five months ago; the current situation could have been curtailed if the individual applied for the position then.

Councilmember Daysog stated that he served on two boards at the

same time.

Mayor Johnson stated people have served on three boards at one time; she does not believe serving on multiple boards is necessary because many people are interested in serving.

Councilmember Daysog stated the Council should respect the nominee's desire to serve; the Mayor has the prerogative to nominate individuals; he respects Councilmember deHaan's position.

Councilmember Daysog seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, Gilmore, Matarrese, and Mayor Johnson - 4. Abstentions: Councilmember deHaan - 1.

The City Clerk administered the Oath and presented a certificate of appointment to Ms. Ezzy Ashcraft.

Ms. Ezzy Ashcraft thanked the Council for the honor of being appointed; stated she enjoyed serving on the Economic Development Commission.

(06-119) Public Hearing to consider ZA06-0001 - Zoning Ordinance Text Amendment/City-wide and revision of Section 30-5.7 of the Alameda Municipal Code (AMC), Projections from Buildings and Roof Planes, Permitted Encroachments, and Treatments of Minimum Required Yards; and

(06-119A) Introduction of Ordinance Amending the Alameda Municipal Code by Adding a New Subsection 30-5.7 (M) (Extensions of Roof Pitch and Roof Ridges) to Section 30-5.7 (Projections from Buildings and Roof Planes, Permitted Encroachments and Treatments of Minimum Required Yards) of Chapter XXX (Development Regulations), to Add a Process for Allowing Additions to Existing Dwellings with Nonconforming Height. Introduced.

Mayor Johnson opened the public portion of the hearing.

There being no speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson inquired whether the proposed amendment relates to the Design Review Guidelines.

The Supervising Planner responded the amendment was proposed by the Customer Service Initiative Committee and is part of the on-going Development Code review.

Mayor Johnson inquired whether the proposed amendment included non-dwelling structures, to which the Supervising Planner responded in the negative.

Mayor Johnson inquired whether the proposed amendment was prompted by a previously addressed garage issue.

Councilmember deHaan responded house additions and design are an on-going concern; the proposed amendment would allow the aesthetics of older homes to be proportional to the existing rooflines when additions are made.

The Supervising Planner responded the proposed amendment would address main structures, not accessory structures.

Councilmember Daysog stated a Harbor Bay homeowner wanted to build an addition without a setback; neighbors were concerned that sunlight would be lost without the setback.

The Supervising Planner stated neighbors would be notified because issues would go through the Design Review process.

Mayor Johnson inquired whether the Customer Service Initiative Committee was working on other issues.

The Supervising Planner responded staff would be meeting with the Committee tomorrow; the Committee is working on clarifying the building process for the public.

Councilmember deHaan moved introduction of the ordinance.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(06-120) Public Hearing to consider two parcel maps, PM 05-002 and PM 05-003, Marina Berth Condominium Conversion - Marina Village Properties;

(06-120A) Resolution No. 13932, "Approving Parcel Maps, PM 05-002 and PM 05-003, at Berth Gates 8 through 11 at Marina Village." Adopted; and

(06-120B) Resolution No. 13933, "Granting a Non-Exclusive Facilities Easement and a Non-Exclusive 18-Foot Wide Ingress and Egress Easement between the City of Alameda and Alameda Real Estate Investments within Lot 7 of Tract 6096." Adopted.

Mayor Johnson opened the public portion of the hearing.

There being no speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember Matarrese stated he would recuse himself because he owns property within 300 feet of Marina Village and left the room.

The Supervising Planner provided a brief report.

Vice Mayor Gilmore inquired whether live-aboards were counted as units under the Housing Element.

The Supervising Planner responded in the negative; stated that only floating homes [houseboats] are treated as housing units.

Mayor Johnson inquired whether dues would pay for the maintenance, to which the Supervising Planner responded in the affirmative.

Mayor Johnson inquired how dues would be established, to which the Supervising Planner responded that dues would be established through the Covenants, Conditions and Restrictions (CC&R's).

Councilmember deHaan inquired whether there are other marina condominiums in the area.

The Supervising Planner responded Emerycove in Emeryville has been in place for 20 years.

Councilmember deHaan inquired what was the percentage of ownership at Emerycove.

The Emerycove Harbor Master responded all 430 slips are privately owned.

Councilmember deHaan inquired what would happen if 100% was not sold out.

The Emerycove Harbor Master responded the original owner owned the 430 slips and has sold all but 157 slips.

Councilmember deHaan inquired what percentage of ownership is planned, to which Don Parker responded 100%.

Councilmember deHaan inquired what is the percentage of current live-aboards.

The Marina Harbor Master Manager responded 10% is allowed, which is 75 live-aboards; currently, there are 63 live-aboards.

Councilmember deHaan inquired whether any parking problems would be encountered with the 10% live-aboards.

The Marina Harbor Master Manager responded parking was not an issue in the past when there were 75 live-aboards.

Vice Mayor Gilmore moved adoption of resolutions.

Councilmember Daysog thanked Mr. Parker for the work he has done for Alameda and for transforming Marina Village.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember deHaan stated that Mr. Parker was the first ARRA Executive Officer; learning the conversion and development ropes was an exciting opportunity; Marina Village turned into a great development; the City owes a debt of gratitude to Mr. Parker for his persistence.

Mr. Parker thanked the Council for recognizing the Marina Village accomplishments; stated tonight will be the last time he would be speaking before the City Council; he has been in front of 5 Mayors over the last 27 years; the experience has been wonderful.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers Daysog, deHaan, Gilmore, and Mayor Johnson - 4. Abstentions: Councilmember Matarrese - 1. [Note Councilmember Matarrese recused himself due to owning property within 300 feet of Marina Village.]

(06-121) Resolution No. 13934, "Establishing a Long-Term Park Use Policy." Adopted.

The Acting Recreation and Park Director provided a brief report.

Councilmember Daysog inquired who was contacted at the Swim Association, to which the Acting Recreation and Park Director responded the President.

Councilmember Matarrese thanked the Recreation and Park Commission and Acting Recreation and Park Director for a job well done.

Councilmember deHaan moved adoption of the resolution.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL COMMUNICATIONS

(06-122) Councilmember Daysog stated that he would like the Council to deliberate over the \$5,000 charged to members appealing the Cineplex; the public should bear the cost; issues become public when people oppose an item; \$5,000 seems very high.

(06-123) Councilmember Daysog stated heavy Alameda Power and Telecom issues were discussed at the February 27 Joint City Council and Public Utilities Board Meeting; the Council should begin to tackle the problems; stated that perhaps the public should take a vote on the direction regarding the issues addressed.

(06-124) Councilmember deHaan stated the fee structure should be reviewed, particularly appeal fees; the fee structure has changed over the years; appeal fees started at \$30.00 per hour and then changed to a flat rate; the last change was to \$100 per hour; excessive fees inhibit individuals from coming forward with concerns; the Council has the option to call for review at no cost; the fee structure should be brought back for Council review.

(06-125) Councilmember deHaan stated he is waiting for the ten-year budget [financial projection]; the infrastructure effort to put back \$1.6 million is a stop-gap effort and is a one time expenditure; setting up an on-going funding stream [for infrastructure] is important; proposals need to come back to the Council.

(06-126) Councilmember Matarrese thanked the Public Works Department for the speed signs [pole-mounted radar]; stated the signs seem very effective.

(06-127) Councilmember Matarrese requested that the public receive an update on the next step for continued improvements on Park Street, Webster Street, and City entrances.

(06-128) Councilmember Matarrese thanked Code Enforcement for removing the cigarette sign at the foot of the Park Street Bridge.

(06-129) Councilmember Matarrese stated that potential ride share venues were considered on the West End near the Tube; requested that the matter be resurrected and a report be provided; suggested that the Transportation Commission be directed to review the matter.

(06-130) Councilmember Matarrese stated that Long's is working with the Planning Department on some renovations; suggested using creativity for the corner across from City Hall, such a mini-park.

Mayor Johnson inquired whether the red windows were historic or could be removed from the Long's site.

(06-131) Mayor Johnson inquired whether the speed [pole-mounted radar] signs were mobile, to which the City Manager responded some signs are pole-mounted and others are mobile.

Councilmember Matarrese stated he would like to have a permanent speed sign at Lincoln Avenue curve area.

Mayor Johnson inquired whether a sign was located on Buena Vista Avenue.

The City Manager stated that a report on locations would be provided to the Council.

Mayor Johnson requested a temporary or permanent speed sign be located on Buena Vista Avenue.

Vice Mayor Gilmore inquired whether the signs' effectiveness could be measured.

Mayor Johnson inquired whether speeds could be monitored, to which the City Manager responded that she would check.

Councilmember deHaan stated a decrease in the number of tickets issued would be a good measure of the signs' effectiveness.

(06-132) Councilmember Daysog stated that he attended a briefing co-sponsored by the League of California Cities East Bay, North Bay, and Peninsula Divisions; a representative from the Governor's office addressed the upcoming infrastructure bond plan; Friday is the deadline for the Governor and legislature to place something on the June ballot.

(06-133) Mayor Johnson thanked the Recreation and Park Department for providing information on the City facilities naming process; stated she would like to have the policy come back to Council for discussion along with the street naming policy.

(06-134) Mayor Johnson welcomed David Brandt to his first City Council meeting as Assistant City Manager.

Councilmember deHaan congratulated the Assistant City Manager for the new addition to his family.

Mayor Johnson thanked the Interim Assistant City Manager for doing a great job for the last two months.

Councilmember deHaan stated the Interim Assistant City Manager stepped into the position and did not miss a beat.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 9:13 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MARCH 7, 2006- -6:00 P.M.

Mayor Johnson convened the Special Meeting at 6:00 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(06-100) Conference with Property Negotiator - Property: Ballena Isle Marina; Negotiating parties: City of Alameda and Ballena Isle Marina LLP; Under negotiation: Price and terms.

(06-101) Conference with Real Property Negotiator - Property: 2990 Main Street and 2 Mecartney Road; Negotiating Parties: City of Alameda and the Bay Area Water Transit Authority; Under Negotiation: Price and terms.

(06-102) Conference with Labor Negotiators - Agency Negotiators: Craig Jory and Human Resources Director; Employee Organizations: Alameda City Employees Association, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association.

(06-103) Conference with Labor Negotiators - Agency Negotiators: Marie Gilmore and Frank Matarrese; Employee: City Attorney.

Mayor Johnson called a recess at 7:40 p.m. to hold the Regular Council Meeting and reconvened the Closed Session at 9:15 p.m.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Ballena Isle Marina, the Council obtained briefing from staff and gave direction to real property negotiators; regarding 2990 Main Street and 2 Mecartney Road, the Council obtained briefing and gave instruction; regarding Alameda City Employees Association, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association, the Council obtained briefing from labor negotiators; regarding the City Attorney, the Council discussed the City Attorney.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 10:10 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -MARCH 7, 2006- -7:25 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:45 p.m.
Councilmember/Commissioner Daysog led the Pledge of Allegiance.

ROLL CALL- Present: Councilmembers/Commissioners Daysog,
deHaan, Gilmore, Matarrese, and
Mayor/Chair Johnson - 5.

Absent: None.

MINUTES

(06-104CC-06-007CIC) Minutes of the Special Joint City Council,
Alameda Reuse and Redevelopment Authority, Community Improvement
Commission, and Housing Authority Board of Commissioners Meeting
held on February 21, 2006. Approved.

Councilmember/Commissioner deHaan moved approval of the minutes.

Vice Mayor/Commissioner Gilmore seconded the motion, which carried
by unanimous voice vote - 5.

AGENDA ITEM

(06-008CIC) Resolution No. 06-140, "Authorizing and Directing the
Execution of Loan Agreement Relating to the Issuance of Certain
Bonds by the California Statewide Communities Development
Authority, Approving Official Statement Relating to Such Bonds and
Authorizing and Approving Other Matters Relating Thereto." Adopted.

(06-008A/CIC) Resolution No. 06-141, "Approving Authorizing and
Directing Execution of an Amended and Restated Joint Exercise of
Powers Agreement Relating to the California Statewide Communities
Development Authority." Adopted.

(06-105/CC) Resolution No. 13928, "Approving the Borrowing of Funds
by the Community Improvement Commission of the City of Alameda from
California Statewide Communities Development Authority and
Providing Other Matters Relating Thereto." Adopted.

The Development Services Director gave a brief presentation.

Councilmember/Commissioner Matarrese moved adoption of the
resolutions.

Councilmember/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:49 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.